

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:09-cr-00063-MR-DCK**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
)
KENNETH LEE GARDNER,)
)
Defendant.)
)

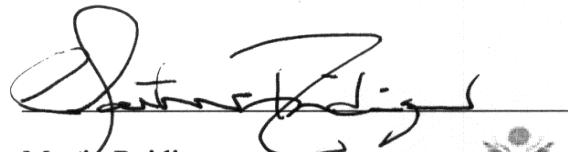
THIS MATTER is before the Court on the Defendant's "Motion in Opposition of Ineligibility of Amendment 782 Motion Filed by Court Appointed Counsel" [Doc. 81], filed on June 11, 2015.

The Court appointed the Federal Defenders of Western North Carolina to review the Defendant's case for a determination of eligibility for relief under Amendment 782. See In re: Motions Based on Retroactive Application of November 1, 2014 Amendment 782, No. 3:14-mc-00204 (W.D.N.C. Oct. 17, 2014). On December 29, 2014, the Defendant filed a *pro se* motion seeking relief under this Amendment. [Doc. 77]. On April 14, 2015, court-appointed counsel filed a Notice of Ineligibility, in which counsel opined that the

Defendant was not eligible for a sentence reduction pursuant to Amendment 782. [Doc. 78]. On June 5, 2015, the Court entered an Order denying the Defendant's *pro se* motion. [Doc. 80]. For the reasons stated in that Order, the Defendant's "Motion in Opposition" is denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion in Opposition of Ineligibility of Amendment 782 Motion Filed by Court Appointed Counsel" [Doc. 81] is **DENIED**.

IT IS SO ORDERED.



Martin Reidinger
United States District Judge

